

LAS VEGAS POLICE DEPARTMENT	ADMINISTRATION
SUBJECT: <i>Use of Force</i>	NUMBER: ADM.11
EFFECTIVE DATE: <i>9 September 2010</i>	REVIEW DATE:
AMENDS/SUPERSEDES:	APPROVED:  Chief of Police Gary Gold
NMMLEPSC STANDARDS: ADM.05.01 – ADM.05.04	NMSA:

I. PURPOSE:

The purpose of this policy is to ensure the efficient and effective management of the Use of Force function by providing administrative guidance that identifies the responsibilities and processes within the uniform and all other organizational components of the department.

II. POLICY:

It is the policy of the Las Vegas Police Department to manage the Use of Force function in an effective and efficient manner by coordinating the effort of uniform and other organizational components as provided in this policy.

III. APPLICABILITY:

This policy is applicable to all commissioned employees of the Las Vegas Police Department.

IV. REFERENCES:

A. NMMLEPSC ADM 05.01-05.04

V. DEFINITIONS:

- A. Deadly Force - Force that is intended, known or could be reasonably expected by the person using the force to cause, or in the manner of its use or its intended use, is capable of causing death or serious bodily injury.
- B. Less Lethal Force - Force employed that is neither likely nor intended to cause death or serious bodily injury.
- C. Reasonable Force - Use of the reasonable amount of force needed to effectively achieve control over an incident or person.

D. Excessive Force - Force is excessive when its application is inappropriate / unreasonable to the circumstances. In determining whether force has been excessively applied, the primary factor is whether the on-scene Officer reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:

1. The severity of the crime;
2. The nature and extent of the threat posed by the suspect;
3. The degree to which the suspect resists arrest or detention; and
4. Any attempts by the suspect to evade arrest by flight.
5. The amount of force necessary to contain the situation.

E. Reasonable Belief - A belief that would be held by a reasonable and prudent law enforcement officer in the same circumstances as the acting person.

F. Serious Bodily Injury - Injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of a bodily member or organ.

VI. **PROCEDURE:**

A. The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the circumstances. Although the careful use of force is authorized by law, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out his duties.

B. Reasonable force may be used by an officer in the performance of duties, when:

1. Necessary to preserve the peace, to prevent the commission of an offense.
2. Making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody.
3. In self-defense or defense of another against unlawful violence to a person or property.
4. Preventing or interrupting an intrusion on or interference with the lawful possession of property.

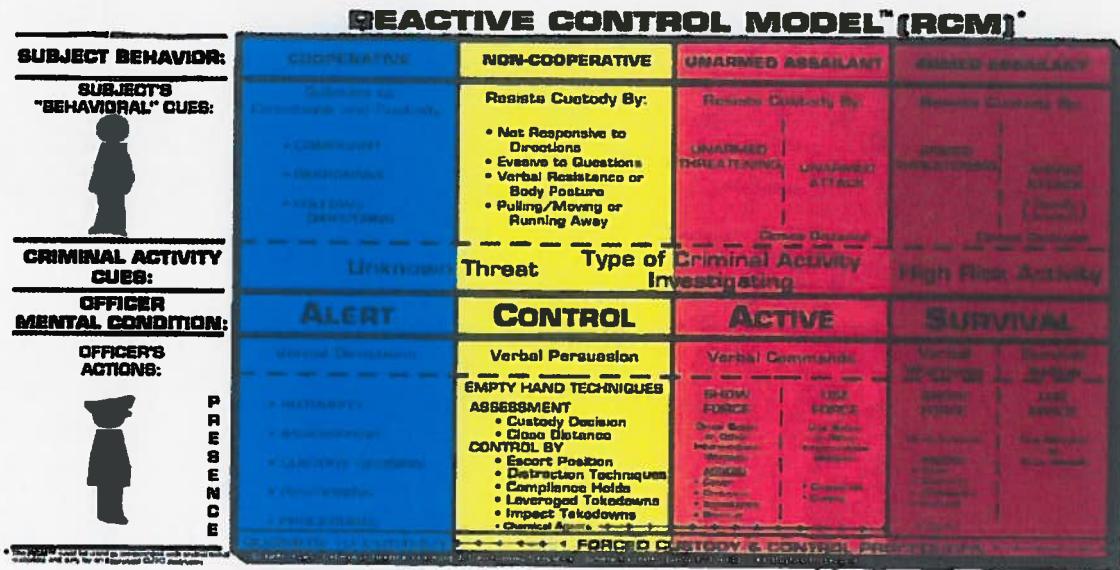
C. An officer may use reasonable force to overcome resistance in performance of duties, even though there is no immediate or apparent danger calling for self-defense. However, the officer must be acting within the scope of official authority. Every reasonable opportunity must be given to the person being arrested to comply. Force should be used only after all other means have failed to produce compliance.

D. Before the application of reasonable force, officers should when feasible identify themselves as police officers and state their purpose to the offender and others present. This identification is not necessary if the officer reasonably believes his purpose and identity are already known or conditions exist which render it unfeasible to identify.

E. There is no specific rule fitting all cases as to how much force and means may be used; each case must be decided in the light of its own facts and circumstances. Under no circumstances will the force used be greater than necessary and in no instance will deadly force be used except as stated in the Deadly Force section of this chapter.

F. Officers will use the minimum force reasonably necessary to accomplish a lawful objective.

G. The Reactive Control Model (RCM) is taught in the New Mexico Law Enforcement Academy and is expected to be used by Officers of this Department to determine the appropriate course of action when interacting with a person(s) in a situation which may require the use of force. (See below)



**H. An Offense / Incident Report and a Use of Force After Action Report
(U.F.A.A.R.) Use of Force Form will be submitted whenever an employee:**

1. discharges a firearm, for other than training or recreational purposes;
2. takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. applies force through the use of lethal or less-lethal weapons;
4. uses any equipment applying force (spike system, riot gear, fire equipment etc.); or
5. empty hand techniques (defensive tactics)

a. NOTE: In all incidents that force is used, officer(s) shall document the incident in an Offense/Incident Report and a Use of Force After Action Report (U.F.A.A.R.).

b. The report will include a detailed description of the events leading to the necessity for the use of force; the amount and type of force used; the nature and extent of injuries, if any, and treatment rendered; identity of individuals involved and other pertinent information. The U.F.A.A.R. shall be submitted to the Chief of Police's Office through the Division Commander, and shall be filed with the Offense/Incident report.

6. Injuries

A. The use of Defensive Tactics frequently achieves the desired results without injury to any parties. However, documentation of such incidents is required. This documentation will normally be sufficiently covered in any report prepared as a result of the event. This account will include all circumstances that led to the use of a tactic and its actual use. The approving supervisor will ensure that the events are presented fully, in a clear and accurate manner.

7. Personal Injury Incidents

A. Photographs of the injuries will be taken, if possible, and included with any reports. This applies to both officers and/or suspects.

8. Medical Aid to Injured Parties:

A. When a person is injured because of an officer's use of force, the officer shall notify his immediate supervisor and seek medical treatment for the injured person and/or self.

9. Routing of Paperwork:

A. Anytime an incident involves the use of force, the reports will be reviewed by a supervisor by the end of the shift and then a copy of the report along with the After Action Form will be routed through the chain of command to the chief of Police. All supervisors checking the reports and Use of Force Forms will be required to conduct a review of the use of force. The supervisors are required to take appropriate action should there be a policy or other protocol violation and bring to attention any training needs through the chain of command.

I. Less-Lethal Force and Non-Deadly Force

1. The department trains officers in the use-of-force continuum which emphasizes the recognition of and response to increasing levels of threat. Most instances in which force is applied are non-deadly. Officers shall assess the incident to determine which technique will effectively bring the situation under control. **Following the application of any method of force, once the situation is contained, Officers shall provide or arrange to provide medical help if necessary.**
2. In order to provide members of this department with information, the Defensive Tactics Coordinator / Instructors will schedule periodic training sessions which enable officers to learn and exercise acceptable methods of defensive tactics. Officers may use techniques that are sanctioned through Department of Public Safety training.
3. Verbal Control:

a. Verbal control refers to the manner in which the officer speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the officer's speech may also contribute to control without having to resort to another method of force. The department urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

4. Compliance Techniques:

a. At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, takedowns, control holds, or come-a-longs with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody. Where lesser levels of force appear ineffective, Officers may employ hands, fists, feet, knees, and so on in striking an adversary, according to methods sanctioned through training.

5. Chemical Agents:

- a. The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or "pepper spray." Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect within training standards. Specialized chemical agents such as concussion grenades or tear gas shall be used only by personnel trained in their application, and then only under direct orders of the on-scene supervisor upon consultation with the Chief of Police.
 1. Chemical sprays shall not be used to threaten to elicit information nor will they be used on people who are hand cuffed, secured, and properly in custody.
 2. Keep the application to the absolute minimum required to effectively control the subject.
 3. **If the use of tear gas is authorized by the on-scene Supervisor, observe the following:**
 - a. These chemicals are used primarily in dealing with unruly crowds and armed barricaded subjects.
 - b. Gas grenades are used to disperse unruly crowds and induce the surrender of barricaded subjects when negotiations have failed.
 - c. Tear gas gun is used to fire projectiles into the area of an armed, barricaded suspect when the use of hand-tossed grenades is unsafe or impractical.

6. OC Spray:

A. OC Spray (pepper spray) plays a distinct and viable role in the continuum of force options and gives the individual officer an alternative to hard empty hand techniques and the use of an impact weapon, ASP.

1. Use of OC Spray
 - a. The OC spray may be used on a suspect who is non-cooperative and is resisting the efforts to control him by but not necessarily limited to the following actions:
 1. Suspect not responsive to directions.
 2. Verbal resistance or body posture
 3. pulling/moving running away
 4. Aggressive movements and an escalation of resistive force.

2. Shall only be used in an arrest or custodial situation.
3. The OC spray may be used if a suspect has escalated to using threatening statements and begins to close distance on the officer or another person in a manner as if to batter them.
4. The use of OC spray is target specific and should result in the officer's ability to gain control of the suspect.
5. The target area will consist of the face (eyes, nose and mouth).
6. Keep the application to the absolute minimum required to effectively control the subject.
7. The use of OC spray shall not be used to threaten to elicit information nor will it be used on people who are handcuffed, secured, and properly in custody.

8. Decontamination

- a. Decontamination begins after the suspect has been restrained with handcuffs or by other approved means and the suspect's resistance has ceased.
- b. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
- c. Expose suspect to fresh air and flush affected area with water.
- d. Call medical personnel (EMS) to perform a cursory check of the suspect, to remove any contact lenses if necessary and to continue flushing the suspect with water.
- e. Once the suspect has been transported to the detention facility, the on duty detention facility personnel shall be notified that the suspect has been sprayed with OC.
- f. Under no circumstances will any creams, salves, or oils be applied to the affected area.

7. Police Expandable Baton (ASP)

- a. The department authorizes the carrying and use of the expandable baton as the only striking weapon for officers: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjack, slapjacks, nunchakus and similar sticks, and brass knuckles.

- b. Officers who carry the expandable baton shall be certified in its use.
- c. The Department issued ASP baton may be used if a suspect has escalated to using threatening statements and/or gestures and begins to close distance on the officer or another person in a threatening manner as if to batter them.

The tool may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.

- d. The ASP baton is not designed to be used as a club or bludgeon. Strikes should target areas of the body which may result in compliance by the suspect or allow the officer to gain control.
- e. Strikes to parts of the body (head, neck, spine, groin, or clavicle) capable of inflicting death or serious bodily injury shall be avoided unless justified by the guidelines of the Deadly Force section of this chapter.
- f. The expandable baton shall not be used to strike handcuffed individuals.
- g. The expandable baton will only be used in the manner and by the methods as prescribed in the New Mexico Department of Public Safety's training in the use of this item.

H. Taser

- 1. An electronic restraint device to be utilized as a defensive tool. The TASER functions in two ways:
- 2. It uses compressed nitrogen to project two probes a maximum of 21 feet. An electrical signal is then sent to the probes, via small wires, which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
- 3. Acts as a touch stun system when brought into immediate contact with a person's body.
- 4. The decision to use the TASER is based on the same criteria the Officer uses when selecting to employ an intermediate range weapon within the Use of Force Continuum. The decision must be made dependant on the actions of the subject(s) or the threat facing the Officer(s), and the totality of the circumstances surrounding the incident. In any event, the use of the TASER must be reasonable and necessary.
- 5. The TASER is not meant to be used in deadly force situations. The TASER must not be used without a firearm back up in those situations where there is a

substantial threat towards the Officer(s) or others present.

6. The TASER provides a force option in which the officer does not have to get dangerously close to a threat before deploying the tool. Using the TASER may greatly reduce the need for other types of physical force by the Officer(s) resulting in a serious or potentially deadly injury to the offender, Officer, or others present.
7. Any use of an electronic restraint device contrary to the direction of this policy can result in the revocation of the Officer's right to use such product and may subject the Officer to disciplinary action.

4. Criteria for Use:

- a. The Taser will be utilized within Reactive Control Model (RCM) and will be used as an intermediate range option. The Taser can be utilized in a contact or standoff mode.
- b. Personnel may use an approved Taser when they are required to use physical force for the protection from assault and/or when taking a person into custody.
- c. The Taser should be used as an intermediate range option prior to the use of impact weapons, when possible. The Taser shall not be intentionally aimed at a person's head, neck or groin.
- d. Shall only be used in an arrest or custodial situation.
- e. Prior to carrying a Taser, officers shall successfully complete agency approved training.
- f. For maximum effectiveness, the Taser should be discharged at center mass (largest part of the body). Shots directed at the head/ face, neck and groin are strictly prohibited.
- g. Once an officer deploys the Taser, he/ she will allow the device to run its automatic 5-second cycle. If the device does not turn off within 5-seconds, the officer will manually turn the device off.
- h. Always hold the Taser with the line of sight indicator level; avoid tilting the device when discharging, unless the suspect is lying down to ensure both probes hit the intended target.
- i. Officers can apply restraints to a suspect while the Taser is in operation. Once the suspect is secured, the Taser shall be shut-off. **AT NO TIME shall the Taser be utilized on an individual who has already been restrained.**
- j. **Due caution** shall be utilized when dealing with individuals who are obviously

pregnant, elderly, children, the physically handicapped and people in vulnerable position, where there is a risk of serious secondary injury (e.g., in dangerously elevated positions, in water or near flammable substances) prior to the deployment of the Taser. Taser use in these circumstances should be avoided when possible. Other appropriate force options should be considered unless their use endangers officers or others.

- k. The Taser can quickly be reloaded and discharged again. Each officer shall carry two additional cartridges in their Taser holster.
- l. The Taser may be used by removing the cartridge and using it in drive-stun mode. This can be done should an individual free him/ herself from the probes, restraints or if one of the probes fails to make contact.
- m. Avoid using the Taser around flammable liquids, gases, blasting materials or other highly combustible materials.
- n. The Taser shall not be utilized as the primary level of force when dealing with an armed suspect, unless a cover officer is readily available.

5. Post Deployment:

After an officer uses the Taser to take a suspect into custody, the officer shall:

- a. Handcuff the suspect to minimize the threat of injury to either by the officer, the suspect and/or the general public.
- b. Remove the Taser prongs at the earliest opportunity. The Taser prongs shall only be removed by an officer who has completed the department approved Taser training.
- c. Taser prongs that have struck the face, groin or female breasts shall only be removed by fire/ rescue or medical personnel.
- d. Taser prongs that have struck a person's body shall be considered evidence and shall be collected in accordance to the Procedures for the Collection of Evidence.
- e. Visually examine the area struck to determine if an injury was sustained:
 1. Photographs shall be taken of the penetration sites of the probes and any significant injuries.
 2. All injuries or the absence of injuries shall be noted on the Use of Force After Action Report (U.F.A.A.R.) and "Taser Use" Form.

3. All photographs, probes and cartridges shall be collected and secured as evidence for possibly court purposes.
- f. The officer, after using the Taser, shall request that medical personnel, from the Las Vegas Fire Department, Ambulance or Hospital Emergency Room, conduct an examination to determine whether the individual has suffered any injury, either directly from the Taser discharge or indirectly such as falling after incapacitation.
- g. The data port on the Taser stores the time, date and duration the Taser was fired.
 1. The officer, once the Taser has been utilized, shall meet with the Field Operations Division Commander, in order to download the recent deployment of the Taser.
 2. Only the Field Operations Division Commander or assigned personnel may download the Taser. This download will be on a secured computer, under the authority of the Field Operations Division Commander.

6. Reporting:

- a. Any discharge other than the function test, either intentional or accidental, shall necessitate the immediate notification of the officer's supervisor.
- b. When an officer, either intentionally or accidentally, uses the Taser, even if a subject is not struck, he/ she shall ensure that the reporting of the incident as detailed in section IV subsection A of this policy is complied with. A Taser Use Form shall also be completed and forwarded to their Division Commander, who in turn will forward it to the Chief of Police along with the other documentation.
- c. The Division Commander shall forward a copy of the Taser Use Form to the Department Taser Instructor. The Taser Instructor shall investigate each incident/ deployment to determine if usage was proper and meet departmental policies and notify the Division Commander if an issue arises.
- d. The Taser Instructors shall also complete the Taser Incident Report, either online or hard copy and submit it to Taser International.

7. Maintenance:

- a. No changes, alterations, modifications or substitutions shall be made to the Department issued Taser. All repairs to Tasers or accessories shall be completed by an authorized vendor.
- b. Officers will dust and inspect their issued Taser and cartridges daily, prior to

reporting to duty. If damages or problems are found, officers will contact a Department Taser Instructor for unit evaluation and/or replacement, as soon as possible.

- c. Daily function testing (spark test) shall be conducted in accordance to the Taser training.

I. Pepperball Launching System (PLS)

- 1. Is a unique less lethal chemical agent delivery system that uses high pressure air launchers to deliver projectiles from a distance. It can be used on individual suspects as well as large groups of people for riot crowd control.
- 2. Pepperball projectiles are plastic, frangible spheres that are filled with PAVA powder. The projectiles, when delivered by an air powered launching device, burst on impact and release the PAVA powder. The PLS can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises and/or welts.
- 3. Pepperball projectiles subdue suspects by strongly irritating their nose, lungs and breathing. When inhaled, Pepperball products lead to coughing, shortness of breath, and in some instance vomiting. Some individuals may experience eye irritation as well.
- 4. The employment and use of the PLS can assist in overcoming resistance directed at the officer or others; or a third party, from unlawful force; to protect property; or to effect other lawful objectives, such as to make an arrest. Circumstances justifying the use of the PLS include, but are not limited to:
 - a. When a suspect exhibits violent or potentially violent behavior that threatens the safety of others and attempts to subdue the suspect by conventional means of persuasion, escort control, self defense techniques and/or pain compliance measures have not been or reasonably appear unlikely to be effective, or;
 - b. When it is unsafe for an officer to approach a suspect within contact range;
 - c. When higher use of force options may be justified, but an opportunity exists for the use of the PLS before these other options are employed;
 - d. To defend one's self or another from an aggressive and/or attacking animal
 - e. To disperse or control an unruly, rioting crowds threatening unlawful property

damage or physical force;

5. Only qualified, trained officers shall be allowed to deploy and use the PLS
6. Trained officers will properly care for and maintain the PLS for service
7. All problems will be reported to the Division Commander via the Chain of Command.
8. Officers shall only use Pepperball Technologies, Inc. launchers and projectiles.
9. The PLS will be stored in a secure location as determined by the Division Supervisor.
10. Officers encountering a situation, which requires the use of the PLS, when feasible, shall immediately notify a supervisor. This system can be used before the arrival of a supervisor when the situation dictates such use. The supervisor shall respond to all PLS deployments. The supervisor shall make all notifications and ensure reports are submitted as required by the Use of Force policy.
11. Officers will target the center mass of the body, unless the suspect is wearing heavy clothing, then he will target less padded areas such as legs and arms, as well as the surfaces around the suspect to disperse the PAVA powder. Officers shall not intentionally target the eyes, face, neck, or spine.
12. Officers will give a verbal warning, loudly and clearly before dispensing projectiles. Officers hearing this warning should immediately break contact with the intended target and create distance while the projectiles are deployed.
13. Persons exposed to the PLS shall be provided with decontamination assistance in a reasonable amount of time.
14. Arrestees who have been struck with projectiles shall be transported to a medical facility for evaluation and treatment.
15. The use of the PLS is considered a reportable use of force, therefore, any reports made necessary by the nature of the underlying incident; and a U.F.A.A.R. shall be completed.
16. Only officers who have successfully completed a departmental approved training course in the proper use and deployment of the PLS shall be authorized to use it during actual operations. Recertification will be on a bi-annual basis.

J. Bean-Bag Shotgun (12 gauge)

1. Bean-bags are considered to be extended range impact weapons that allow officers to deliver a similar type of force comparable to batons.
2. The bean-bag may be used when other less - lethal force options have been ineffective or when it reasonable appears that such options will be ineffective in subduing the subject. Examples of situations in which the bean-bag may be used include, but are not limited to, the following:
 - a. Dealing with the mentally ill subject who is perceived to be violent.
 - b. Armed subjects.
 - c. Warrant service where the subject is perceived to be violent.
 - d. Violent persons under the influence of drugs and/or alcohol.
 - e. Persons expressing the intent and having the means to commit suicide.
 - f. When deemed a reasonable alternative to lesser force options that will likely to be ineffective or greater force options that may be inappropriate given objective circumstances.
3. When feasible, the bean-bag operator should consult with a supervisor prior to the use.
4. The bean-bag should not be pointed at any individual unless the officer involved reasonable believes it will be necessary to use the device.
5. The bean-bag shall not be used:
 - a. When the operator cannot, for safety or other reasons, approach the subject within effective range of the device;
 - b. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
6. In less-lethal force situations, when possible, officers should avoid using the bean-bag on:
 - a. Persons in wheelchairs or in control of a vehicle;
 - b. Pregnant women;
 - c. People with known heart problems;
 - d. People with apparent debilitating illness or the elderly;

- e. Children or those under 80 pounds;
- f. Individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy.

7. Only officers who have successfully completed the agency's approved course of instruction on the bean-bag are authorized to use it in tactical situations.
8. Officers of this agency shall receive refresher training in use of the bean-bag on an annual basis during firearms instruction.

UNDER NO CIRCUMSTANCES DOES A BEAN-BAG ROUND GO INTO ANYTHING OTHER THAN A 12 GAUGE SHOTGUN.

K. DEADLY FORCE

1. Authorized Use of Deadly Force
 - a. Deadly force may be used only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury.
 - b. An officer may use deadly force:
 - c. When a suspect is intent on immediately endangering human life or immediately inflicting serious bodily injury unless apprehended without delay. The officer must reasonably believe that the suspect is armed or has the means to inflict death or serious bodily injury.
 - 1. Ability (Weapon)
 - 2. Opportunity (Distance)
 - 3. Immediate Jeopardy (Officer's life or someone else's life is in immediate jeopardy)
 - 4. Fleeing felons (must meet the above requirements)
 - d. Prohibited uses of deadly force:
 - 1. Officers shall not unreasonably or unnecessarily endanger themselves or the public in applying deadly force pursuant to this policy or state law.
 - 2. An officer shall not rely solely on third party reports as a basis for use of Deadly Force, without firsthand knowledge of an alleged offense.

3. An officer shall not use deadly force in situations that would not be in accordance with New Mexico State Statutes.
4. In an attempt to apprehend fleeing felons or escapees whom are not placing the officer or another person in immediate danger of death or immediate serious bodily injury.
 - e. All officers shall be familiar with all provisions of the New Mexico State Statutes and this directive governing the legal use of Deadly Force.

2. Warning Shots are prohibited.

L. Administrative Duty

1. Immediately following an officer's involvement in an incident involving serious injury or death. The officer will be automatically placed on administrative duty pending a review by the Chief of Police on the next normal work day. Unless the duty status is changed to a suspension status by the Chief of Police, the officer shall remain in an administrative duty status until such time as the matter is resolved legally and administratively.
2. Assignment to administrative duty is non-disciplinary with no loss of pay or benefits. This duty is designed to:
 - a. address the personal and emotional needs of the officer involved in the use of deadly force and insure the community that the facts surrounding the case are fully and professionally investigated.
3. An officer placed on administrative duty will be assigned to office duty in civilian clothes.
4. The officer may be placed on administrative leave instead of administrative duty at the discretion of the Chief of Police. Assignment to administrative leave is non-disciplinary with no loss of pay or benefits.
5. An officer on administrative leave shall insure his/her availability to investigators until the investigation has been concluded.
6. Officers on administrative duty or leave are authorized to carry an approved firearm, unless otherwise directed by the Chief of Police. Officers shall not work off-duty police related jobs and should not enforce laws and make arrests except in emergency situations.
7. An officer whose action results in a deadly force incident will be required to counsel with the Department appointed counselor. The counselor must make written

notification that the officer is fit for duty before the officer returns to duty.

8. The Department will make available and reserve the right to require counseling for officers who had involvement in a deadly force incident.

M. Incidents of force review

1. If a use of force reasonably indicates a possible violation of LVPD policy or other inappropriate conduct, the immediate or any other supervisor will refer the matter directly to the Office of the Chief for review.
2. Referrals to the Office of the Chief will be automatic and take place immediately anytime there is a firearm discharge, except at the firing range.
3. The Office of the Chief will be responsible for ensuring that all use of force data from all reports are regularly and accurately compiled, analyzed and reviewed.
4. The Administrative Staff will
 - a. review all reported uses of force to determine whether:
 - b. departmental policy was complied with;
 - c. analyze use of force data on a regular basis to detect trends;
 - d. have compiled in writing and review use of force incidents by officer and type of force used and;
 - e. Review the data for the purpose of identifying and acting upon their implications for policy and training designed to ensure that officers are using only appropriate types and amounts of force.

N. Limitation on Force

1. The following acts associated with the use of force are prohibited:
 2. Firing into crowds.
 3. Firing a warning shot.
 4. Firing at or from a moving vehicle, except where the Officer reasonably believes that
 - a. an occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
 - b. A vehicle is operated in a manner deliberately intended to strike an officer or a

citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle and the safety of innocent persons would not be unduly jeopardized by the officer's action.

- c. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- 5. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.
- 6. Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders.
- 7. Application of choke hold or carotid control holds, except when the officer reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- 8. Use of flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon **only** to defend him/herself or another from imminent serious physical injury or death and then **only** if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
- 9. Carrying or use of a second back-up firearm which has not been approved by the Chief of Police and which the Officer has not qualified with.
- 10. The carrying or use of saps, blackjacks, slapjacks.
- 11. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- 12. Any use of force not reasonably necessary in the light of the circumstances confronting the officer.
- 13. Any forcible enforcement action when off duty except in circumstances which seriously threatens life, valuable property, or public order.

O. Training

1. Regular training should be conducted to instruct officers in the Use-Of-Force policy. Copies of this policy will be issued to each officer, before being authorized to carry a weapon, and will be updated as needed. This issuance and instruction will be documented.

NOTE: The use of a trademark brand (if any) in this order does not imply endorsement of any product. Rather, this general order may refer to a trade name only to convey the degree of

specificity required by written policy.